

## Minutes of the State Board of Health

June 12, 2002

A meeting of the Washington State Board of Health (SBOH) was held at the Pearsall Building in Aberdeen, Washington. The public meeting was called to order at 9:35 a.m. by Linda Lake, Chair, who addressed the attendees with the following statement:

“This is a public meeting of the SBOH held under provision of RCW 43.20. Notice of the meeting was provided in accordance with provisions of RCW 34.05, the Administrative Procedures Act. Those members having any conflict of interest on any item coming before the Board will report that conflict with respect to the particular subject under consideration. In case of challenge of any Board members by the public, the Board shall decide the status of the challenged members to participate before considering the substance of the matter.

Copies of all materials supplied to the Board for today’s meeting have been available since close of business last Friday from the Board’s Olympia office and on the Board’s Web site at [www.doh.wa.gov/sboh](http://www.doh.wa.gov/sboh). They are also available today, along with anything else we have received since, at the table in the back of the room. To conserve public funds, we have only made as many copies as we feel will be needed, so we may run out of some particularly popular items. If you do not find a document you need, please ask Desiree Robinson, or another Board staff person for one.

Our meeting today is open to the public, so please feel free to listen in on informal discussions involving Board members or staff, including any that may occur during breaks or lunch.”

### **The following Board members were present:**

Linda Lake, MBA, Chair  
Vickie Ybarra, RN, MPH  
Margaret Pageler, JD  
Ed Gray, MD

Secretary Mary Selecky  
Thomas H. Locke, MD, MPH  
Charles Chu, DPM

### **State Board of Health Staff present:**

Don Sloma, Executive Director  
Craig McLaughlin, Senior Health Policy Manager  
Doreen Garcia, Senior Health Policy Advisor

Desiree Robinson, Executive Assistant  
Jennifer Dodd, Assistant to the Board  
Marianne Seifert, Health Policy Advisor

### **Guests and Other Participants:**

Thelma Simon, mother of former Cle Elum student  
Keith Simon, father of former Cle Elum student  
Denise Clifford, Department of Health  
Gregg Grunenfelder, Department of Health  
Dave Gifford, Department of Health  
Maxine Hayes, Department of Health  
Doug George, Grays Harbor County Public Health and Social Services Department  
Jeff Nelson, Grays Harbor County Public Health and Social Services Department  
Michelle Davis, Department of Health  
Patty Hayes, Department of Health  
Richelle Peterson, Department of Health  
Victor Colman, Department of Health  
Dennis Morrisette, Grays Harbor County Board of Commissioners  
Bob Beerbower, Grays Harbor County Board of Commissioners

### **APPROVAL OF AGENDA**

*Motion: To approve June 12, 2002 agenda*

*Motion/Second: Pageler/Locke*

*Approved unanimously*

### **ADOPTION OF MAY 8, 2002 MEETING MINUTES**

Board member Dr. Tom Locke asked for specific corrections to the top of page 11 of the draft minutes to clarify that he had said that the State Board of Health was asked for an emergency response, but it’s

not an emergency response agency. Marianne Seifert, SBOH Health Policy Advisor, added that corrections would be made to participants' titles.

*Motion: Approve the May 8, 2002 minutes as amended*

*Motion/Second: Locke/Pageler*

*Approved unanimously*

## **WELCOME – GRAYS HARBOR COUNTY PUBLIC HEALTH & SOCIAL SERVICES DEPARTMENT**

Bob Beerbower, chair of the Grays Harbor County Board of Commissioners, welcomed the Board to the county, and acknowledged the financial challenges being faced at the local and state level.

Maryann Welch, Grays Harbor County Public Health and Social Services Director, gave an overview of the Grays Harbor County Public Health and Social Services Department (GHCPHSSD) and its priority-setting process, which identified tobacco and pregnancy intention as priorities. She handed out "Tobacco and Health in Grays Harbor County: A 2001 Community Health Profile Report" and a draft of "Pregnancy Intention in Grays Harbor County: A 2002 Community Health Profile Report." Ms. Welch introduced Dennis Morrisette, Grays Harbor County Commissioner, and invited the Board on a tour of the health department.

Doug George, Grays Harbor Director of Environmental Health, noted that he is based in the public works department. He added that there is very little funding for environmental health from the general account, and that they wouldn't be able to be proactive without other sources of funding. He said he is excited about sanitary surveys of Group A systems using state and federal money, and of Group B systems using 2001 state money allocated by the Legislature. He emphasized that state and federal funding is required in order to have staff to do indoor air quality work and other important environmental health work.

## **VACCINE SHORTAGE--EMERGENCY RULEMAKING FOR WAC 246-100-166: IMMUNIZATION OF CHILD CARE AND SCHOOL CHILDREN AGAINST CERTAIN VACCINE-PREVENTABLE DISEASES**

Doreen Garcia, SBOH Senior Health Policy Advisor, introduced the vaccine shortage issue and referred SBOH members to the materials behind Tab 4. Dr. Locke presented an overview about the need for vaccines, the reasons for vaccine shortages, and why there is currently cause for alarm. He explained that the Board is dealing with the vaccine shortage issue today because there is a specific statewide shortage of the vaccine DTaP. The shortage could affect the ability of children entering school this fall to comply with the mandated immunization schedule. Dr. Locke asked the Board to consider an emergency rule that would last through October (120 days) and would grant "conditional status" for children while there is a shortage so that children would be required to bring their immunizations up to date once a shortage is over. He has determined that the State Health Officer is the most qualified person to evaluate vaccine supply, determine if there is a shortage, and declare when that shortage is over. Dr. Locke also asked the Board to make a housekeeping change to the rule to reference the 2001 version of the federal immunization schedule, rather than the 1995 version.

Board members discussed the risks posed to children by the shortages, whether other state agencies were supportive of the proposed emergency rule, whether the 60-day requirement was adequate, and the timing of a declaration that a shortage was over. An extensive discussion then ensued between Board members and Dr. Hayes concerning public messages, means of managing short supplies, federal funding, public health priorities, immunization tracking systems and more.

Chair Lake asked Dr. Locke if he was ready for a motion. Dr. Locke asked Board members to see the draft WAC 246-100-166 text for his recommended amendments and he made the following motion.

*Motion: The Board should adopt WAC 246-100-166 on an emergency basis as indicted on the draft text of the revised rule with changes suggested in OTS-5741.2.*

*Second: Locke/ Pageler*

*Approved unanimously*

Dr. Hayes suggested that the Board write a letter to national leaders. The Board agreed to do this.

### **SBOH 2003-05 BUDGET DEVELOPMENT**

Executive Director Don Sloma reviewed the SBOH Proposed Budget for the 2003-2005 Biennium memo behind Tab 5. Mr. Sloma asked the Board members for direction about how the Board should respond to anticipated requests for additional budget cuts.

Chair Lake said that other board members asked to have an executive session to discuss personnel issues.

*Staff, guests and audience left the room for an executive session and returned at 11:45 a.m.*

Secretary Selecky reviewed the instructions from the Office of Financial Management to prioritize activities and budget. Dr. Locke suggested working on a strategy that avoided cuts. He added that the Board has already done the prioritizing the other agencies are now being asked to do. He added that Washington's public health system should not be voluntarily dismantled, and to the extent that the Board sees itself as part of the public health system, it needs to be building up, not dismantling. Board Member Margaret Pageler said that at the local level small boards and commissions were typically not subject to cuts. She added that SBOH has statutory authority and a moral obligation to communicate important messages, such as the immunization discussion earlier this morning, and that it will need all the resources to ensure its role as the bully pulpit for public health in this state.

Chair Lake agreed that the Board has prioritized its activities, and emphasized the importance of continuing to prioritize its work. Board members discussed the scope of the Board's activities. Chair Lake asked for guidance regarding the level of funding. Dr. Locke said he would like to ask for a restoration of cuts, but added that it may not be realistic. He said he would advocate level funding with future restoration of cuts, that the three-tier process is not applicable to what the Board does, and that additional cuts would compromise the Board's activities.

***Motion: Direct the Executive Director to submit a budget that maintains the overall spending level for the board and its activities, and to report that the board has already prioritized its work and removed the medium and low priorities.***

***Motion/Second: Pageler/Locke***

***Approved unanimously***

**Break for lunch. Meeting resumed at 1:45 p.m.**

### **RECOGNIZING CONTRIBUTIONS TO THE WASHINGTON STATE BOARD OF HEALTH**

Chair Lake directed the Board to the two resolutions behind Tab 06 honoring two longtime SBOH members, Ms. Corkrum and Ms. Pageler. There were no comments or corrections.

***Motion: The Board moves to adopt the resolutions as presented.***

***Ybarra/Locke***

***Passed unanimously.***

Chair Lake read the first resolution concerning Ms. Corkrum into the minutes as follows:

“Resolution 02-01:

**WHEREAS** the Washington State Board of Health was established by the Washington State Constitution in 1889;

**WHEREAS** the Board provides a forum for the development of public health policy in Washington state;

**WHEREAS** the Board is empowered to hold hearings and explore ways to improve the health status of the citizenry;

**WHEREAS** The Honorable Neva Corkrum was appointed to the Board in 1993 as a county official who is also a member of a local board of health and was reappointed twice;

**WHEREAS**, Ms. Corkrum has served as vice chair of the Board since March 1997;

**WHEREAS** Ms. Corkrum, as an active and highly engaged member of the Board, has made innumerable and invaluable contributions to the Board's rulemaking efforts in critical areas such as tuberculosis control, HIV testing, and vaccination requirements;

**WHEREAS** Ms. Corkrum has shown herself to be a staunch and unswerving advocate for upholding public health standards across the state for the benefit of all citizens; and

**WHEREAS** Ms. Corkrum, in 1996, received the Rev. Everett I. Hageman Award, given annually by the National Association of Local Boards of Health to a board of health member who has shown outstanding leadership, commitment, and enthusiasm for local public health;

**THEREFORE BE IT RESOLVED** that the Board recognizes and thanks The Honorable Neva Corkrum for nine years of dedicated and outstanding service to the citizens of Washington State by working to assure the public health as a member of the Washington State Board of Health.”

Chair Lake and other members discussed the possibility of presenting the award to the absent Neva Corkrum at the Association of Washington Counties meeting in Bellevue on Wednesday, June 19.

Chair Lake then read the second resolution concerning Ms. Pageler into the minutes as follows:

“Resolution 02-02:

**WHEREAS** the Washington State Board of Health was established by the Washington State Constitution in 1889;

**WHEREAS** the Board provides a forum for the development of public health policy in Washington state;

**WHEREAS** the Board is empowered to hold hearings and explore ways to improve the health status of the citizenry;

**WHEREAS** The Honorable Margaret Pageler was appointed to the Board in 1995 as an elected city official;

**WHEREAS** Ms. Pageler, as an active and highly engaged member of the Board, has made innumerable and invaluable contributions to the Board’s rulemaking efforts in critical areas such as tuberculosis control, HIV testing, and vaccination requirements;

**WHEREAS**, Ms. Pageler serves on the Board’s Committee on Health Disparities and has contributed to its influential work on improving the diversity of the health care work force; and

**WHEREAS** Ms. Pageler has shown herself to be a staunch and unswerving advocate for upholding public health standards across the state for the benefit of all citizens;

**THEREFORE BE IT RESOLVED** that the Board recognizes and thanks The Honorable Margaret Pageler for seven years of dedicated and outstanding service to the citizens of Washington State by working to assure the public health as a member of the Washington State Board of Health.”

Chair Lake also read a letter from Governor Locke into the record commending Ms. Pageler for her years of service. The Board then presented Ms. Pageler with a clock in recognition of her service on the Board. Individual Board members then made personal comments about the rewards of serving on the Board with Ms. Pageler. Ms. Pageler thanked Dr. Hayes in absentia for introducing her to the work of public health professionals through early work on reducing juvenile gun violence.

### **CONSIDERATION OF CR-101 FOR CHAPTERS 246-290 AND 246-291 WAC: GROUP A AND GROUP B WATER SYSTEMS' ARSENIC STANDARDS**

Ms. Seifert directed the Board to the memo from Board member Carl Osaki and other materials behind Tab 7 concerning arsenic standards for water systems. Mr. Osaki’s memo asked that the Board assign him to be the rule sponsor and to work with the Department of Health to identify issues pertaining to lowering the arsenic standard for public water systems to 10 parts per billion (ppb). He wrote that this could include accelerating implementation for Group A water systems and applying the standard to new Group B water systems.

Gregg Grunenfelder, Director, DOH Division of Drinking Water, raised some concerns about applying the new standard to only new Group B water systems. He said this would not be equally protective of public health. Board members and Mr. Grunenfelder discussed the language of the memo, the difference between Group A and Group B systems, the use of point-of-use filters to reduce arsenic, and the benefits and risks of applying the new standard to new Group B systems. Dr. Locke offered an amendment to not limit the motion to new Group B systems. Chair Lake asked Ms. Seifert to speak to Mr. Osaki’s concerns when he drafted the memo. Ms. Seifert replied that applying the 10 ppb arsenic standard to Group B systems is likely to be contentious. Mr. Sloma added that trying to apply the standard to existing Group B systems might make it difficult to enact changes for new systems. There was agreement among Board members to accept the amendment offered by Dr. Locke.

***Motion: The Board directs its Executive Director to issue a CR-101 for chapters 246-290 WAC and 246-291 WAC to consider whether to adopt the federal arsenic standard of 10 ppb for Group A and Group B public water systems, and to include adopting the federal Long-Term 1 enhanced Surface Water Treatment Rule in Chapter 246-290 WAC by reference.***

***Motion/Second: Margaret/Locke***

***Approved unanimously***

## **REVIEW OF RULE REVISION WORK PLAN FOR CHAPTER 246-215 WAC: FOOD SERVICE REGULATIONS**

Ms. Seifert directed the Board to the materials behind Tab 8 and introduced Dave Gifford, Section Manager, DOH Food Safety and Shellfish Programs. Dr. Locke said some of the impetus for this item being on the agenda came from local health officers who were concerned about how they might defend the food code revision process to members of the Legislature and others challenged the length of time involved. Mr. Gifford directed the Board members to the handouts behind Tab 8 and described the rule revision workgroups, process, and the timeline. He said the department is considering requesting legislation to reference the federal food code in statute, which would reduce requirements under the Administrative Procedures Act and cut the small business economic impact analysis portion of the timeline by three to six months.

## **DEPARTMENT OF HEALTH UPDATE**

Secretary Selecky provided a Department of Health update and distributed copies of the latest tobacco program update. She spoke about producing with KOMO4 a program called *Unfiltered Forum* that featured kids talking about tobacco use. She also mentioned that DOH had received notice from Health and Human Services that the bioterrorism work plan was accepted and funded fully. She said Senator Murray had visited the Public Health Lab. On a sadder note, she said, DOH radiation program has started running air samples to be aware of background radiation levels in case the India-Pakistan conflict escalates and nuclear weapons are deployed.

## **SBOH STAFF ANNOUNCEMENTS AND OTHER BOARD BUSINESS**

Mr. Sloma announced that he would be working with the Board's attorney, the State Ethics Board and others to determine whether a Board policy is necessary around staff involvement in community partnerships and community agencies. The next item was to request feedback outside the meeting about whether staff members are imposing too much on Board members' time. He mentioned that two Board staff would likely to be attending, expenses paid, the National Academy on State Health Policy. Finally, Mr. Sloma directed the Board to the final printed version of the *2002 State Health Report* and to a memorandum behind Tab 10 that included a distribution plan.

## **PROPOSED CORRECTION TO SBOH RULES PROCESS FLOWCHART**

Mr. Sloma directed the Board to the memorandum behind Tab 11 and reviewed the history of the rule revision flow chart. He said the flow chart doesn't reflect the Board's actual practice, and suggested changes so that it would reflect the ability of entities other than the Department of Health to bring possible changes before the Board.

*Motion: The Board approves the changes to the "State Board of Health Rules Process" delineated on the attached chart.*

*Motion/Second: Locke/Ybarra*

*Approved unanimously*

## **PROPOSED SBOH PUBLICATIONS POLICY**

Craig McLaughlin, WSBOH Senior Policy Manager, discussed a request from the State Library for Board publications and how this had led to the draft of a publication policy behind Tab 12.

*Motion: The Board adopts POLICY 2002-001: Publications of the State Board of Health.*

*Motion/Second: Pageler/Chu*

*Approved unanimously*

## **SCHOOL INDOOR AIR QUALITY FOLLOW-UP**

Ms. Seifert provided an update on school indoor air quality issues. She directed the Board to the memorandum from Mr. Osaki behind Tab 13. The Healthy Schools Task Force has agreed to develop policy recommendations that will be brought to the Board this fall. She said she and Mr. Osaki were working to make sure additional stakeholders not represented on the Task Force are involved in reviewing recommendations. Ms. Pageler mentioned the importance of involving building construction professionals, engineers, architects, and designers. Ms. Seifert also discussed a survey that would ask local health department staff and school administrators about how they respond to indoor air quality

complaints, and asked the Board for feedback on the list of questions to be asked during that survey. Chair Lake said the Board had also asked for more information from the Office of the Superintendent of Public Instruction (OSPI). Mr. Sloma said he had been asked to participate in a discussion on indoor air quality with the schools system and that OSPI has provided a copy of a relevant statute. Ms. Seifert relayed a message from James Green, parent of a Cle Elum student, member of Clean Air Now, and a member of the Cle Elum Community Coalition, saying that the work of the Cle Elum community coalition was progressing, however the process would be much improved if the players had clear authority to make decisions, understood that authority, and exercised it.

### **PUBLIC TESTIMONY**

Chair Lake addressed the public with the following statement:

“The Board listens carefully to everyone who comes before us, but Board members rarely respond directly to public testimony. We may follow up with questions to make sure we understand the testimony, but typically we do not engage in dialogue or consider any action at this time. If we think future action may be needed, we will ask a staff member to follow up, to conduct any necessary research, and to report back to the Board about possible actions at a future meeting.”

Keith Simon said he is a parent from Cle Elum who wants to convey that they still have an acute situation that a lot of residents feel isn't being treated as an acute situation. He said the Cle Elum Community Coalition is dysfunctional and reflects the split within the community. Some participants, he said, suggest by their behavior that they don't really accept the claim that there are serious health problems associated with the school building.

Thelma Simon said her husband, Keith, is a Hazardous Materials firefighter and he constantly says, “Stop the exposure.” She then reviewed events occurring in Cle Elum in response to school indoor air quality concerns. She provided videotape and pictures of the blood of a student named Kari who had previously testified. She also provided photos of items found in one of the sickest teacher's classroom during a walk-through inspection. She said both photos showed mold.

### **ADJOURNMENT**

Chair Lake adjourned the meeting at 3:42 p.m.

WASHINGTON STATE BOARD OF HEALTH

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Linda Lake, Chair